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Attorneys for Defendant AT&T Digital Life, Inc.

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

KIRBY SPENCER,	)	CASE NO. 2:14-cv-01136-RFB-(PAL)
	)	
Plaintiff,	)	<b>STIPULATED DISCOVERY PLAN AND</b>
	)	<b>SCHEDULING ORDER</b>
v.	)	
	)	<b>SPECIAL SCHEDULING REVIEW</b>
AT&T CORP., a foreign corporation	)	<b>REQUESTED</b>
doing business in Nevada,	)	
	)	
Defendant.	)	
	)	

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Pursuant to F.R.C.P. 26 and LR 26-1, Plaintiff Kirby Spencer and Defendant AT&T Digital Life, Inc. (erroneously sued as “AT&T Corp.”), through their counsel, submit the following Stipulated Discovery Plan and Scheduling Order for this Court’s review and approval.

1. **F.R.C.P. 26(f) Meeting:** The parties met for a F.R.C.P. 26(f) conference on October 24, 2014.

2. **Discovery Plan:** Discovery will be needed concerning the allegations in the Complaint.

a. **Initial Disclosures:** The parties will make their respective F.R.C.P. 26(a)(1) initial disclosures by November 14, 2014.

b. **Discovery Cut-Off Date (LR 26-1(e)(1)):** All discovery shall be completed by **May 11, 2015**, which is 241 days from the date that Defendant AT&T Digital Life, Inc. filed its Answer on September 12, 2014.

c. **F.R.C.P. 26(a)(2) Expert Disclosures (LR 26-1(e)(3)):** Disclosure of experts shall proceed according to Fed. R. Civ. P. 26(a)(2) except that, pursuant to Local Rule 26-1(e)(3):

i. The disclosure of the parties’ initial experts and expert reports shall occur on **March 12, 2015**, which is 60 days prior to the close of discovery, and;

ii. The disclosure of the parties’ rebuttal experts and expert reports shall occur on **April 13, 2015**, which is 32 days after the parties’ disclosure of initial experts.

3. **Statement Supporting Special Scheduling Review and Justification for Discovery Period Longer than 180 Days:** This proposed discovery schedule exceeds the 180 day presumptive limit in LR 26-1 for completing discovery, and the standard schedule for disclosing experts. The parties seek additional time to allow the parties ample time to produce and serve all necessary discovery, taking into account that witnesses and attorneys may have limited availability during the upcoming holiday season. In addition, Defendant intends to promptly file a motion for summary judgment, which will potentially forestall the need for certain

discovery in the event that the motion is decided before the close of discovery.

4. **Amending the Pleadings and Adding Parties (LR 26-1(e)(2))**: The parties shall have until **February 10, 2015** to file any motions to amend the pleadings or add parties, which is 90 days before the discovery cut-off date. Because AT&T Digital Life, Inc. was erroneously sued as "AT&T Corp.," the parties anticipate filing a stipulated substitution of parties before the February 10, 2015 deadline.

5. **Dispositive Motions (LR 26-1(e)(4))**: The parties shall have until **June 10, 2015** to file dispositive motions, which is 30 days after the completion of discovery.

6. **Pretrial Order (LR 26-1(e)(5)-(6))**: The joint pretrial order shall be filed by **July 10, 2015**, which is not more than 30 days after the date set for filing dispositive motions in this case. If dispositive motions are filed, the date for filing the joint pretrial order shall be suspended by thirty (30) days after the decision on the dispositive motions or by further order of the Court. The disclosures required by F.R.C.P. 26(a)(3) shall be included in the joint pretrial order.

7. **Interim Status Report (LR 26-3)**: The parties shall file the interim status report required by LR 26-3 by **March 12, 2015**, which is not later than 60 days before the discovery cut-off.

8. **Court Conference**: The parties do not request a conference with the Court before entry of the scheduling order.

Dated: October 27, 2014

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/s/ Joel D. Smith

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Dated: October 27, 2014

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/s/ Craig K. Perry

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9 Attorneys for Defendant  
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11 **ORDER**

12 IT IS SO ORDERED:

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14 \_\_\_\_\_  
15 PEGGY A. LEEN,  
16 UNITED STATES MAGISTRATE JUDGE

17 DATED: \_\_\_\_\_  
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